

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

LUKE W. ROHDE,

2:14-CV-01914-AC

Petitioner,

ORDER

v.

MARK NOOTH, Superintendent,
Snake River Correctional
Institution,

Respondent.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#32) on November 9, 2016, in which he recommends the Court deny Petitioner Luke W. Rohde's Petition (#2) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254; enter a judgment dismissing the matter with prejudice; and decline to issue a certificate of appealability. Petitioner filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

1 - ORDER

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

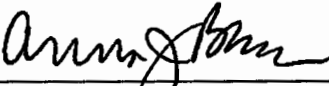
This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#32) and, therefore, **DENIES** the Petition (#2) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254; **DISMISSES** this matter **with prejudice**; and **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

DATED this 20th day of January, 2017.



ANNA J. BROWN
United States District Judge